Practitioner's Docket No. MSU 4.1-406

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

n re application of: Alberto L. Mendoza

AN 24 2000 Applica

or:

Application No: 0 9 / 082,112 Filed: 1998 May 20

**Group No.:** 1645

Evaminer: C m

Examiner: S. Turner

METHOD AND VACCINE FOR TREATMENT OF PYTHIOSIS/INSID/IOSI IN

HUMANS AND LOWER ANIMALS

Assistant Commissioner for Patents Washington, D.C. 20231

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

NOTE: An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a statement as specified in paragraph (e) of section 1.97 or the fee set forth in § 1.17(p).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., phinted publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

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(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 1 of 3)

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WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

## TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

- 1. The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either:
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| 2. Accompanying this transmittal is   |
| (check either A or B below)   |
| A. a statement as specified in 37 C.F.R. § 1.97(e).   |
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| FEE PAYMENT   |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT |                 |     |               | Application Number     | 09/082,112         |  |  |
|   |                 |     |               | Filing Date            | 1998 May 20        |  |  |
|   |                 |     |               | First Named Inventor   | Alberto L. Mendoza |  |  |
|   |                 | _ • |               | Group Art Unit         | 1645               |  |  |
| (use as many sheets as necessary)             |                 |     | as necessary) | Examiner Name          | S. Turner          |  |  |
| Sheet   | 1               | of  | 1             | Attorney Docket Number | MSU 4.1-406        |  |  |

| OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS   |   |   |  |  |  |  |  |
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| BG/   | A | Mendoza, Leonel, Abstract, The Third NIAID Workshop<br>in Medical Mycology Series, Montana, Sept., P. 9(1995) |  |  |  |  |  |
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| Examiner  | /Brian Gangle/  | Date       | 02/23/2009 |
|-----------|-----------------|------------|------------|
| Signature | /Ditait Gallgio | Considered | 02/23/2009 |

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